P.R. No. 6590/05
Presented by Shri. V. Deshmukh
dated 23/12/05

(1)
(5)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.NO. 6548 / 2005 **Single Bench**

Petitioner : [1] Satish Parganiha
S/o -Late Shari Bhagvan Singh ,
Aged- about 23 year,
R/O -Village Pirada ,
Post- Bhibhori
Tah.- Berla
Dist.- Durg (C.G.)

R/C Goswami 22.12.05
for THAKUR VIJAY SINGH
Asst. Solicitor General of India
CHHATTISGARH HIGH COURT
High Court Complex, Bilaspur (C.G.)

Versus

Respondents :
1. The State of Chhattisgarh,
Through, the Secretary School
Education Department D.S.K.
. Bhawan,Raipur (C.G.)
2. The Union of India ,
Human Resorses Department,
New Delhi
3. The District Education Officer Bemetra,
Dist : Durg-(C.G.)
4. The Block Education Officer Berla,
Tah.- Berla,
Dist : Durg-(C.G.)

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22.12.05

WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

FOR ISSUANCE OF WRITE IN NATURE OF AMUS, CERTIORARI PROHABITAION, etc. AND / OR FOR ORDER AND / OR DIECTION / DIRECTIONS IN NATURE OF WRIT.

1. PARTICULARS OF THE PETITIONERS:

As per title.

2. PARTICULARS OF THE RESPONDENTS:

As per title.

3. PARTICULARS OF THE ORDERS AGAINST WHICH THE PETITION IS BEING FILED :

This petition is preferred against the order / direction issued by the respondent no.1 whereby the respondents have restricted the implementation of an order / direction issued by the erstwhile state of Madhya Pradesh for compassionate appointment instead of they have issued a new order in contravention of and detrimental to the interest of the rule regarding compassionate appointment. The order bearing No.7-4 / 2002 / 1-3 dated 10/06/2003. The copy of the said order is annexed as **'Annexure P-1'.** Besides this petition is preferred against the order issued by the same authority bearing

22/12/05

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(46)

आदेश पत्रक

मामला क्रमांक WP 6548/05 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	3-1-2006	

Shri Vijay Deshmukh, counse for the petitioner.

Shri Vivek Sharma, Panel Lawyer, for the State.

Heard.

Learned counsel for the petitioner submits that the petitioner's father, who was working as Assistant Teacher in Education Department, died on 9/5/2000 during the service period and the petitioner applied for compassionate appointment which was denied. It is further submitted that in batch of cases bearing W.P. No.1322/2002 involving the same question orders have been passed by this Court on 20/12/2005. He prays that similar orders may be passed in this case also.

Learned counsel for the State does not dispute the above fact and states that the State of Chhattisgarh has taken a decision to consider the cases of dependants of those employees who died on or after 1/11/1997 and strictly in accordance with the policy prevalent at that time.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the State of Chhattisgarh and the authorities concerned to consider and decide the case of the petitioner in accordance with the policy prevalent at the time of death of his father. If the petitioner found eligible, appointment orders will be issued as early as possible on or before 30th April, 2006. The petitioner is also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioner may avail the remedy available under the law including filing of the petition before this Court.

With the aforesaid observations, this petition stands disposed of.

Certified copy as per rules.

Copy to the State counsel, who will be obliged to communicate the order to the respondents for compliance.

Sd/-
Fakhruddin
Judge